Compliance Schedules

Explore the Exciting Overlap Betwixt DMCE and Your Technical Services!

Pete Farrelly
16 October 2017
Presentation Outline

• Compliance Schedules Intro
  – What is it? And Overall Goals
  – What kinds are there? (BCA, AO, “Other,” WSSs, etc.)

• Maintaining Compliance Schedules
  – Contact Report form
    • How to use & How Not to Use
    • Brave Future of Webforms
    • “Analog?”
  – Compliance email

• Catch-all Compliance Issues
What Are They

• ANYTHING with a Schedule

• (But, it is not a compliance schedule until it is on Data Online)

• **Goal**: Professional Website
  – Transparency Clarity & Accessibility
    • post official documents online
    • Ideally change deadline w/ letter*
  – Prompt deadline management

* = discuss
What are the Stakes?

• Foundation for Legal Action

• Public Health of Customers
  – Spoonfeeding Babysteps
Different Kinds of Compliance Schedules

- BCA – Bilateral Compliance Agreement
- AO – Administrative Order
- “Other” (see ex. on next slide)
- Results after Level 1 & 2 Investigations
- WSSs
RE: Compliance Schedule for violations at the public water system

Dear [Name],

This letter is a follow-up to the site visit conducted on 8/15/17 and subsequent regarding the timeframe for correction of the on-site observations and violations below at As we discussed, violations of the rules related of a public water system must be resolved within 90 days or the water system will be subject to formal enforcement. The water system was assigned the following violations that need to be resolved within 90 days:

Violation #1: Failure to meet CT
Jan 1, 2017 – Jan 31, 2017
Violation #2: Failure to meet CT
Feb 1, 2017 – Feb 28, 2017
Violation #3: Failure to meet CT
April 1, 2017 – April 30, 2017
Violation #4: Failure to meet CT
May 1, 2017 – May 31, 2017
Violation #5: Failure to meet CT
July 1, 2017 – July 31, 2017
Violation #6: Failure to maintain EP disinfection
July 1, 2017 – July 31, 2017

These violations reflect multiple instances of the failure to adequately disinfect surface water source before it is delivered to customers as required by Oregon Rule (OAR) 333-061-0032(5) and constitutes a serious public health risk.

Per our conversations, you have agreed to resolve the above violations accord- following compliance schedule:

1) The water system must submit complete, accurate and correct monthly SWTR reports for September, October, and November 2017 according to OAR 333-061-0036(5).

2) The water system must achieve the minimum designated CT for September, October, and November 2017 and submit surface water treatment reports (SWTR) to DWS by the 10th of the following months according to OAR 333-061-0040(1).

3) By October 19, 2017 the water system must use NSF approved chlorine for disinfection according to OAR 333-061-0050.

4) By October 19, 2017 the water system must calibrate the turbidimeter at least quarterly according to the manufacturer’s specifications as required by OAR 333-061-0036(5)(b)(A). If the current meter is not able to be calibrated, a new turbidimeter will need to be acquired.

5) The water system must operate the water treatment plant according to all the applicable requirements specified in OAR 333-061-0032 and 333-061-0036 for September, October, and November 2017 and report all applicable data and measurements according to OAR 333-061-0040.

6) By October 19, 2017, the water system must physically separate any cross-connections between treated and untreated water according to OAR 333-061-0070 and OAR 333-061-0071.

Failure to comply with all of the actions in this compliance schedule as specified above will result in formal enforcement action which could include the assessment of civil penalties. If you have any questions or concerns, please call me at 971-673-
# Example Compliance Schedule

<table>
<thead>
<tr>
<th>Type of Action</th>
<th>Date Issued</th>
<th>Due Date</th>
<th>Closed Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ISSUE PUBLIC NOTICE</td>
<td></td>
<td>Jul 10, 2016</td>
<td>Jun 03, 2016</td>
</tr>
<tr>
<td>ISSUE PUBLIC NOTICE</td>
<td></td>
<td>Apr 10, 2017</td>
<td>Feb 28, 2017</td>
</tr>
<tr>
<td>SUBMIT CONSTRUCTION PLAN</td>
<td></td>
<td>Jun 30, 2017</td>
<td>Overdue</td>
</tr>
<tr>
<td>ISSUE PUBLIC NOTICE</td>
<td></td>
<td>Jul 10, 2017</td>
<td>Overdue</td>
</tr>
<tr>
<td>ISSUE PUBLIC NOTICE</td>
<td></td>
<td>Oct 10, 2017</td>
<td>Aug 28, 2017</td>
</tr>
<tr>
<td>COMPLETE CONSTRUCTION</td>
<td></td>
<td>Dec 31, 2017</td>
<td></td>
</tr>
<tr>
<td>ISSUE PUBLIC NOTICE</td>
<td></td>
<td>Jan 10, 2018</td>
<td></td>
</tr>
<tr>
<td>DBP M&amp;R</td>
<td></td>
<td>Apr 10, 2018</td>
<td></td>
</tr>
<tr>
<td>ISSUE PUBLIC NOTICE</td>
<td></td>
<td>Apr 10, 2018</td>
<td></td>
</tr>
<tr>
<td>DBP M&amp;R</td>
<td></td>
<td>Apr 10, 2018</td>
<td></td>
</tr>
<tr>
<td>ISSUE PUBLIC NOTICE</td>
<td></td>
<td>Jul 10, 2018</td>
<td></td>
</tr>
<tr>
<td>DBP M&amp;R</td>
<td></td>
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<td></td>
</tr>
<tr>
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<td></td>
<td>Oct 10, 2018</td>
<td></td>
</tr>
<tr>
<td>DBP M&amp;R</td>
<td></td>
<td>Oct 10, 2018</td>
<td></td>
</tr>
<tr>
<td>ISSUE PUBLIC NOTICE</td>
<td></td>
<td>Jan 10, 2019</td>
<td></td>
</tr>
</tbody>
</table>
# Example Compliance Schedule – Part Deux

<table>
<thead>
<tr>
<th>Bilateral Compliance Agreement</th>
<th>Apr 14, 2009</th>
<th>Jun 30, 2009</th>
<th>Dec 30, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMPLETE CONSTRUCTION</td>
<td></td>
<td>Jun 29, 2009</td>
<td></td>
</tr>
<tr>
<td>COMPLETE TRACER STUDY</td>
<td></td>
<td>Oct 07, 2009</td>
<td>Late</td>
</tr>
<tr>
<td>TURBIDITY MCL</td>
<td></td>
<td>Nov 06, 2009</td>
<td>Late</td>
</tr>
<tr>
<td>SUBMIT PLAN</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Contact Reports

- Improvements
- Walk-Through the forms
Contact Report/Assistance Actions
OHA Drinking Water Services
Submit completed report to Compliance Drinking Water

Water System Name: PWS ID: County:
Contact and Phone: 
Date: 
Who Responded: State County Dept. of Ag
Staff: By Phone 
Contact Location: In Office In Field

SUMMARY: 

Assistance Action Type
Reason/Rule 1
Reason/Rule 2
Pick Assistance Action Type
If * Pick Reason/Rule
Optional *
Occasional Mistakes to Improve Upon

• “PWS ID:” doesn’t match “Water System Name”

• (If explicit date given) Two to three “Dates” – **Highlander Principle!!**

• “Assistant Type” is frequently left blank

• “Reason/Rule” is frequently left blank

• Two (or more) “Alert IDs” – **Highlander Principle!!**
  – Link it to other CRs with other alerts if necessary

• Duplicate Contact Reports – **Highlander Principle!!**
In the End,

There can be only One.
There Can Be Only One:

Date

Alert ID

Contact Report
**Compliance Schedule Update**

<table>
<thead>
<tr>
<th>Water System Name:</th>
<th>[Blank]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact and Phone:</td>
<td>[Blank]</td>
</tr>
<tr>
<td>Date:</td>
<td>[Blank]</td>
</tr>
<tr>
<td>Who Responded:</td>
<td>[Blank]</td>
</tr>
<tr>
<td>Staff:</td>
<td>[Blank]</td>
</tr>
<tr>
<td>Contact Location:</td>
<td>[Blank]</td>
</tr>
</tbody>
</table>

**SUMMARY:**

- **Assistance Action Type**: [Blank]
- **Reason/Rule 1**: [Blank]
- **Reason/Rule 2**: [Blank]

**Details:**

[Blank]

**Next Steps:**

[Blank]

**Compliance Schedule Update, if applicable:**

- **Compliance schedule type**: [Blank]
- **Activity**: [Blank]
- **Date Action Completed**: [Blank] or **Revised Date Due**: [Blank]

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PUBLIC HEALTH DIVISION
Drinking Water Services

(Rev. 6/15)
Compliance Schedule Update

Compliance Schedule Update, if applicable:
Compliance schedule type: Pick Compliance Schedule Type
Activity: 
Date Action Completed: (Rev. 6/15)

- Pick Compliance Schedule Type
- Significant Deficiency
- Coliform Investigation
- Formal Enforcement
Compliance Schedule Update:
Significant Deficiency (corrected)

Compliance Schedule Update, if applicable:
Compliance schedule type: Significant Deficiency
Activity: Deficiencies below corrected:
Annual CCR not submitted
No protocol for under-certified operator

Date Action Completed: 9/6/16 or Revised Date Due:

(Rev. 6/15)
Compliance Schedule Update: Significant Deficiency (approved CAP)

Compliance Schedule Update, if applicable:
Compliance schedule type: Significant Deficiency
Activity: Deficiencies below have been placed on a corrective action plan:
Annual CCR not submitted
No protocol for under-certified operator
Turbidity profile not conducted on individual filters at least quarterly
Date Action Completed: [blank] or Revised Date Due: 10/17/16

(Rev. 6/15)
Compliance Schedule Update: Coliform Investigation

Details:
Repaired cracks or holes in well seal on 9/16/16

Next Steps:
None

Compliance Schedule Update, if applicable:
Compliance schedule type: Coliform Investigation
Activity: Sanitary defect corrected. -Repaired cracks or holes in well seal-

Date Action Completed: 9/16/16 or Revised Date Due: [Redacted]

(Rev. 6/15)
Compliance Schedule Update: Coliform Investigation

Details:
Level 1 investigation completed, and sanitary defect of cracks or holes in well seal or casing was found.

Next Steps:
Repair cracks or holes in well seal or casing by 9/21/16

Compliance Schedule Update, if applicable:
Compliance schedule type: Coliform Investigation
Activity: Corrective action plan approved for repair of sanitary seal

Date Action Completed: [Redacted] or Revised Date Due: 9/21/16

(Rev. 6/15)
Compliance Schedule Update: Formal Enforcement

Details:
Spoke with Bender Doodle from Ruff Acres Water System and he notified me that the new well was drilled and is now in use (well lod DOOD 01085)

Next Steps:
Disconnect old well and finalize plan review requirements.

Compliance Schedule Update, if applicable:
Compliance schedule type: Formal Enforcement
Activity: New well drilled and placed online
Date Action Completed: 9/06/16 or Revised Date Due: [blank]
SUMMARY: Confirmed E. Coli in GW source

Assistance Action Type: Regulatory Assistance (2H)
Reason/Rule 1: Coliform (TCR)
Reason/Rule 2: Coliform (TCR)

Details:
Spoke to Bender Doodle at Ruff Acres, MPA is scheduled for spring 2017.

Next Steps:
Determine if source is GWUDI and appropriate treatment

Compliance Schedule Update, if applicable:
Compliance schedule type: Formal Enforcement
Activity: Collect spring 2017 MPA, determine appropriate treatment or alternate sources based on MPA results.
Date Action Completed: or Revised Date Due: 6/1/2017
How Not to Do a Monitoring Schedule Change

Summary Alert for Nitrate Being Over 1/2 of MCL
Action Type ALERT/WQ INVESTIGATION* CHEM75
Reason/Rule 1 Nitrate
Reason/Rule 2 N/A

Details
4/28 - Sent email to system requesting feedback and place on quarterly nitrate monitoring for one year. 5/1 - Left voice mail message for system to call to discuss. 5/4 - Discussed issue to determine possible reason for high nitrate. Unable to verify high sample justification. Sent email requesting state to provide technical support in helping system to understand what caused the high nitrate.

Action Needed
Reviewed with system to complete quarterly monitoring of nitrate for one year beginning 5/1/17-5/1/18.

Other Contact Reports for Alert ID CHEM75
04/28/2017
**Chemical & Bacteriological Monitoring Schedule Change Form**

**OHA Drinking Water Services**

<table>
<thead>
<tr>
<th>System</th>
<th>PWS ID# 41</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact with</td>
<td>Phone ( ) -</td>
</tr>
<tr>
<td>Staff Member</td>
<td>Agency:</td>
</tr>
<tr>
<td></td>
<td>Date</td>
</tr>
</tbody>
</table>

**System Type:**
- [ ] Community (C)
- [ ] Non-Transient Non Community (NTNC)
- [ ] Transient Non-Community (NC)
- [ ] State Regulated (NP)

Check if New System or Sample Pt: [ ]

For new systems, include all necessary chemicals and sampling points.

**Entry Point ID** *(In SDWIS Entry Pt ID “A” will appear as Facility ID “EP-A”, Entry Pt ID “B” will appear as “EP-B” etc.)*

<table>
<thead>
<tr>
<th>New Schedule</th>
<th>Schedule Reduction</th>
<th>Schedule Increase</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Sample Point ID</th>
<th>Code/Chemical/Analyte</th>
<th>Frequency</th>
<th>Begin Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Entry Pt ID or SRC Sampling Point ID)</td>
<td>See reverse for complete list of chemical groups and analyte codes</td>
<td>Once</td>
<td>/ /</td>
<td>/ /</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Monthly</td>
<td>/ /</td>
<td>/ /</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Quarterly</td>
<td>/ /</td>
<td>/ /</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yearly</td>
<td>/ /</td>
<td>/ /</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Once Every 3 Years</td>
<td>/ /</td>
<td>/ /</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Twice Every 3 yrs</td>
<td>/ /</td>
<td>/ /</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Once Every 6 Years</td>
<td>/ /</td>
<td>/ /</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Once Every 9 Years</td>
<td>/ /</td>
<td>/ /</td>
</tr>
</tbody>
</table>

PUBLIC HEALTH DIVISION
Drinking Water Services
Questions??

Webforms in 2018!